

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION**

**CRIMINAL MINUTES  
Supervised Release/Probation Revocation & Sentencing Hearing**

**Case No.: 5:03CR30095 & 5:14CR00038**

**Date: 4/1/2015**

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**Defendant: Dirrick Delont Lucas (custody)**

**Counsel: Lisa Loris, AFD**

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PRESENT:	JUDGE:	Micheal F. Urbanski, USDJ	TIME IN COURT: 11:20 – 11:56
	Deputy Clerk:	Jody Turner	
	Court Reporter:	Sonia Ferris	
	U. S. Attorney:	Drew Smith	
	USPO:	Rachel Funkhouser	
	Case Agent:	William Metcalf, ATFE	
	Interpreter:	N/A	

**LIST OF WITNESSES**

**GOVERNMENT:**

- 1.
- 2.
- 3.
- 4.

**DEFENDANT:**

- 1.
- 2.
- 3.
- 4.

**PROCEEDINGS:**

- ☒ Defendant does not contest the violations listed in the Petition/Violation Report.
- ☐ No Objections to ☐ Petition/Violation Report ☐ Presentence Report.
- ☐ Court inquires as to:
- ☐ Objection(s) to Petition/Violation Report made by ☐ USA ☐ Defendant.
- ☐ Court overrules Objection(s). ☐ Court grants Objection(s).
- ☐ Objection(s) to Presentence Report made by ☐ USA ☐ Defendant.
- ☐ Court overrules Objection(s). ☐ Court grants Objection(s).
- ☐ Evidence presented by ☐ United States of America, ☐ Defendant.
- ☒ No evidence presented.
- ☒ Court ☒ adopts Presentence Report, ☒ accepts Plea Agreement
- ☐ Government Motion for ☐ Substantial Assistance, ☐ \_\_\_\_\_.
- ☐ Court grants. ☐ Court denies.
- ☐ Defendant Motion for ☐ Downward Departure/Variance, ☐ \_\_\_\_\_.
- ☐ Court grants. ☐ Court denies.
- ☒ Allocutions.
- ☐ Court finds that Defendant did not violate the terms of release and dismisses the request to revoke.
- ☒ Court finds that Defendant committed a Grade A violation and revokes term of supervised release/probation.

SENTENCE IMPOSED AS FOLLOWS:

CBOP: 108 months: 5:03cr30095 - 60 months; 5:14cr00038 - 48 months on Count One of the Indictment, all to run consecutively.

PROB: \_\_\_\_\_ months - comply w/Standard, Mandatory & Special Conditions.

SR: 3 years on case 5:14cr00038 - comply w/Standard, Mandatory & Special Conditions.

☐ Mandatory drug testing suspended.

SA: \$100.00 due immediately, and/or \$\_\_\_\_\_ reimposed.

FINE: \$0 , and/or \$\_\_\_\_\_ reimposed.

REST: \$N/A , and/or \$\_\_\_\_\_ reimposed.

☒ Court recommends as follows:

☒ That Defendant receive appropriate drug treatment and/or mental health treatment while imprisoned – Mental health counseling and treatment.

☒ That Defendant be designated by the Bureau of Prisons to Petersburg, VA.

SPECIAL CONDITIONS (Check applicable conditions):

- ☒ The defendant shall participate in a program of testing and treatment for substance abuse, as approved by the probation officer, until such time as the defendant has satisfied all requirements of the program .
- ☐ The defendant shall participate in a program of mental health treatment, as approved by the probation officer, until such time as the defendant has satisfied all requirements of the program .
- ☒ The defendant shall reside in a residence free of firearms, ammunition, destructive devices and dangerous weapons.
- ☒ The defendant shall submit to warrantless search and seizure of person and property as directed by the probation officer, to determine whether the defendant is in possession of firearms and illegal controlled substances.
- ☐ The defendant must submit to warrantless search and seizure of person and property by the probation officer or other law enforcement officer, whenever such officer has reasonable suspicion that the defendant is engaged in criminal activity.
- ☒ Following release from imprisonment, the court will evaluate defendant's status and determine whether, after incarceration, drug rehabilitation is necessary and appropriate. If additional rehabilitation is deemed appropriate, the defendant shall participate in a program as designated by the court, upon consultation with the probation officer, until such time as the defendant has satisfied all the requirements of the program.
- ☐ The defendant shall pay any fine, special assessment or restitution that is imposed by this judgment.
- ☐ The defendant shall not incur new credit charges or open additional lines of credit without the approval of the supervising officer.
- ☐ The defendant shall provide the probation officer with access to any requested financial information.
- ☐ The defendant shall be prohibited from engaging in certain banking activities pursuant to 12 U.S.C. § 1829(a).
- ☐ The defendant shall perform \_\_\_\_\_ hours of community service to be worked out with and approved by the supervising officer.
- ☐ The defendant shall participate in the Home Confinement Program under home detention for a period of \_\_\_\_\_ months and shall abide by all program requirements. The defendant is restricted to his/her residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; or other activities pre-approved by the probation officer.
- ☐ While under home detention, the defendant shall submit to electronic monitoring and shall pay the costs of the electronic monitoring service.
- ☐ Within \_\_\_\_ days of release on probation/supervised release, the defendant shall register with the VA Dept. of State Police, Sex Offender Registry. The defendant shall also notify this agency within 30 days of any change of residence.
- ☐ Upon release from imprisonment, the defendant shall be delivered to an authorized immigration official for deportation proceedings and shall remain outside of the United States.
- ☒ See additional special condition(s) below.

PAYMENT SCHEDULE:

- ☒ A lump sum payment of \$100.00 is due immediately, and during the term of imprisonment, payment in equal (weekly, monthly, quarterly) installments of \$\_\_\_\_\_ or \_\_\_\_\_% of the defendant's income, whichever is lesser/greater, to commence \_\_\_\_ days after the date of this judgment; and payment in equal (weekly,

monthly, quarterly) installments of \$\_\_\_\_ during the term of supervised release, to commence \_\_\_\_ days after release from imprisonment.

ADDITIONAL RULINGS:

- ☐ Defendant advised as to right to appeal.
- ☒ Defendant remanded to custody.
- ☐ Defendant to remain on bond and self report:
  - ☐ to the U. S. Marshal no later than (time) on (date).
  - ☐ to the institution designated by the Bureau of Prisons as directed by the U. S. Marshal.
  - ☐ to the institution designated by the Bureau of Prisons as directed by the U. S. Probation Office.

Additional Information:

Count 2 was dismissed in case 5:14cr00038.

Government moves the court to strike the footnote on his sentencing brief about evidence to be presented today.

Court strikes the footnote from the government's sentencing memorandum.